



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105**

**May 3, 2019**

Mike Masnick  
MuckRock News DEPT MR 69592  
411A Highland Avenue  
Summerville, MA 02144

Re: Freedom of Information Act (FOIA) Request No. EPA-R9-2019-003646

Dear Mr. Masnick:

This is in response to the above-referenced FOIA request which we received on February 21, 2019. You requested the following records:

Any emails or contracts discussing the use and/or licensing of the music from the Nintendo video game "Yoshi's Island" for the EPA online flash game found here:

<https://www3.epa.gov/recyclecity/challenge/index.html>. The music file used is called "yoshidsunderground.mp3"

EPA has concluded its search for records responsive to your request and is providing the requested records, which have been uploaded to EPA's FOIAonline system found at:

<https://www.foiaonline.gov/foiaonline/action/public/home>

To access the records, reference your FOIA request as EPA-R9-2019-003646.

EPA is producing 23 records and is withholding portions of the responsive records you requested because they are exempt from mandatory disclosure by virtue of 5 U.S.C. §552(b). There are five records that are subject to Exception 5, Attorney-Client Privilege and Deliberative Process, and 8 records subject to Exception 6, Protection of Personal Privacy Information. For those records that have been partially redacted, EPA has identified the basis for the redaction directly on the released record.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., Room 5315, Washington, DC 20460. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received

the next business day. The appeal letter must identify the determination being appealed including the assigned FOIA request number. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Please contact Sharon Holwerda at (415) 972-3303, should you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Glenn", with a long horizontal flourish extending to the right.

William Glenn  
Acting Director  
Office of Public Affairs Region 9